



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: George M. Vais

Group/Art Unit: 3641

Application No.: 10/004,999

Examiner: Troy Chambers

Filed: 12/07/2001

Title: Muzzle Brake

Attorney Docket No: VAIG101

**Record of Phone Conversation  
dated: 9/25/2003**

Record of Phone conversation with Examiner Troy Chambers, and Derek H. Maughan regarding U.S. Patent Application 10/004,99 on 9/25/2003 at approximately 100 p.m MST, and again at about 2:30 MST.

Discussion related to Examiner's understanding of the invention. Examiner indicated that the specification of the application described what the invention was but that the claims remained unclear.

When asked about the indication in the Advisory Action that stated that the amendment had overcome the rejections under 35 USC § 112 first paragraph, Examiner indicated that his supervisor had initialed this but that he disagreed with this characterization.

Examiner also indicated that he believed that this rejection should be maintained. He further indicated that he believed that there was no support in the specification so contain more than three elongated openings, and that claim 1 was subject to various interpretation because there was no statement indicating that there were no openings between the first end of the device and the elongated openings. Discussion of this matter took place wherein Applicant's Attorney expressed a belief that this rejection had been overcome.

Applicant's Attorney indicated a willingness to amend these claims to clarify the Examiner's rejections, under 35 USC §112. No agreement to patentability was reached. Examiner indicated that he had not read any of the substantive arguments that were presented in the Applicant's response to Office Action.

Examiner indicated that Applicant should consider the rejections made previously in light of Kleinguether before deciding whether or not to file a Request for Continued Examination.

Subsequent phone call from Applicant's Attorney to the Examiner cited reason for issuing advisory action and not entering amendment. Applicant's attorney believed that the reason for the additional search had been previously presented, Examiner indicated that it had not been, Applicant's attorney reviewed the matter further and agreed with the Examiner.